HARLAN DISSENTS IN VIGOROUS FASHION

Objects, as in Standard Oil Case, to Application of "Rule of Reason."

THWARTS CONGRESS'S WILL

Takes Issue with Sending Case Back to Lower Court-"Not Anxious to Perpetuate Any New Combination."

Washington, May 29.-Associate Jus tice Harlan delivered a vigorous dissent the American Tobacco Company and its were members of an unlawful combina-

His dissent, as expressed from the bench, centred around two points.

First, he took issue with the court for

straints of trade violate the Sherman

standard for ascertaining what re-

Harlan in dissenting from the bench:

Agrees with Court's Conclusion.

and the membed dataset, with week of the action of the membed and the control of the design of the control of the control

interpreted in the "light of reason." The "rule of reason." I am sure, does not justify the perversion of the plain words of an act of Congress in order to defeat the will of

Says Congress Forbade All Restraints.

By every conceivable form of expression Justice Peckham and his associates in the Transmissouri and Jeint Traffic cases said that the act of Congress did not allow frestraint of interstate trade to any extent or in any form, and three times distinctly rejected the theory persistently advanced that the act should be construed as if the had in it the word "unreasonable" or "united States Steel Corporation.

John W. Gates, who was before the committee Saturday, contradicted practically all the statements in Mr. Roosevelt's letter with what it denominates the "rule of reason," in effect inserts in the act the word "undue," and makes Congress say what it "undue," and makes Congress say what it did not say, what it plainty did not intend disaster by taking over the coal and from company. Mr. Roosevelt will be asked to harmonize the apparent discrepancies.

cial Steel Trust investigation of the House sent to the Hotel Manhattan last evening and the Hotel Manhattan last evening and the limit the word that the act of contribution in the knows about the taking over of the Tennesses and the knows about the taking over of the Tennesses and treation of interstate trade to any extent or in any form, and three times distinctly of the 500,000 fund for improvements and endowment were announced, amounting to \$115,000. Here were announced amounting to \$115,000. Taking to \$115,000. Editors and endowment were announced amounting to \$115,000. Taking to \$115,000. Taking to \$115,000. Taking to \$115,000. Taking to the 500,000 fund for improvements and the knows about the taking over of the Tennesses to the same and endowment were announced. Taking to \$115,000. Taking to \$115,000. Taking to \$115,000. Taking to the 500,000 fund for improvements and the knows about the taking over of the Tennesses.

Taking to \$115,000. Taking to the 500,000 fund for improvements and endowment were announced. Taking to \$115,000. Taking to Says Congress Forbade All Restraints.

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THE DAYIN WASHINGTON STREET NOT MUCH EXCITED STEEL TRUST MEETS CUT PORTRAIT BILL PADDED?

shrewd political judges in Washington. cannot fail to promote the popularity of greatest trusts in the country ordered dissolved, resolved into their component parts and the monopolies they had which has been practically reorganized by President Taft, and pursuant to prosecuvalue to the nation of having in the White the operations of both these trusts are legion, and it is believed they and their descendants will greatly rejoice that the mills of the gods should have ground so fine.

among these companies which the court | easy concedes had at all times exhibited a that if no new cases were filed it would require not less than three years to dispose of those now on the docket. Legislation passed several years ago served for a time Oil decision of two weeks ago to the court, but the need of further legislation adoption of the "rule of reason" as a which will accomplish the same purpose is again imperative

> GERMANY AND ARBITRATION.-The at all times exhibited a mote the cause of universal peace.

> > -The House Committee, which is investi- sequent meeting.

U. S. Steel and T. C. & I. Co. Deal.

Washington, May 29.-Theodore Roose-

velt is desired as a witness before the spe-

Mr. Roosevelt was asked yesterday after-

would appear as a witness before the spe-

matter, sending word that he had nothing

PRODUCE BOOK "AT" TRIAL

Law Does Not Mean "Before," Su-

preme Court Holds.

ed States to-day held that the federal

tatute requiring the production of books

examination "in a trial" means produc

examination in a trial means produc-in "on or "at" and not "before" trial. The point was raised in the case of Pavid Winn, a cotton yarn manufacturer of metr. S. C., swing Carpenter, Baggott & ., of New York, for damages for selling thout his consent contracts for the pur-abe of cotton in 1988. The broken were deten to exhibit their books hofore trial.

Justice Lurton announced the opinion.

BRYAN NOT A CANDIDATE

Will Not Seek Democratic Nomination

for the Presidency.

Washington, May 29.-William Jennings Bryan during a brief stay in Washington

last night, said, on being asked about the rumors that he might he the next Democratic nominee for President, "I am not a

candidate and will not be; leave me out

He refused to express any choice between

Woodrow Wilson and Champ Clark or to

confirm a report of his opposition to Gov-

cial House committee investigating Steel Trust. He declined to discuss

ex-President Roosevelt's version of the re-THE TOBACCO DECISION.—The de- ports made to him regarding the desired cision of the Supreme Court in the tobacco inerger of the Tennessee Coal and Iron caes constitutes another signal victory for Company and the United States Steel Corthe administration, and, in the opinion of poration. The committee will not presume on this or any other phase of the problem on which it is engaged. Chairman Stan declared that it is his desire to divest the inquiry of all partisan charcommittee has indicated to Colonel Roose velt that it would be only too glad if he and testify, although it does not feel warranted in going so far as to summon an ex-President of the United States. committee expects to hear Gary, president of the Steel Trust, on

> DEMOCRATIC INSURGENCY. - The Democratic Senators met in caucus again to-day to consider the Lorimer resolution. understanding that every Democrat would unfair competition or improper practices in not be "seemly" to attempt to bind all the 'the conference" oroke up. Its bitterness not dispelled with its adjournment. however, for later in the day Senator "Jeff" Davis arose in the Senate and began a diatribe, in which he denounced Senator Lorimer as "either an ass or a knave," whereupon he was promptly declared out of order by Senator Heyburn, who was in the chair, and the Arkansas statesman

JEWS AT ELLIS ISLAND.-The House and Goldfogle as well as the representatives of various Jewish societies, who appeared Rieder, and others. WOULD LIKE TO HEAR ROOSEVELT, jams and the immigration Service at a sub-

to sax and what since the passage of the MAD DOG ATTACKS WOMEN act it has steadily refused to say. It has steadily refused to amend the act so as to allow a restraint of interstate commerce that was treasurable, or solve. Drives Small Roya Into Torrest.

ROOSEVELT ASKED TO TESTIFY street and shot it. No one was bitten election of directors or at any meeting of by the animal.

Investigators Want Him to Tell About GIFTS TO FISK, \$115,808

Trustees Meet Here - Praise from Taft and Roosevelt.

of the House. A request has been sent to the Hotel Manhattan last evening and changed for the old Consolidated Tobacco gifts to the \$300,000 fund for improvements 4 per cents, while the American 10bacco Taft, Mr. Roosevelt, Senator Crane and the present American Tobacco Company.

Andrew Carnegle, \$19,009; W. Muricane, \$1,000; Paul D. Cravath, \$19,00; General Education Board, \$50,000; Mrs. N. Harris, \$500; Charles A. Hull, \$10.4 Arthur Curfles James \$5,000; Ellen James, \$5,000; Ida M. Mason, \$500; Mrs. F. Merrill, \$5,000; Charles H. Rutan, \$1,000; A. Friend, \$5,000; miscellancous, \$1,000.

In his letter President Taft said;

I am not one of those who believe that it is well to educate the mass of negroes with academic or university education. On the contrary, I am firmly convinced that the hope of the negro is in his industrial education throughout the South and in teaching him to be a better farmer, a bet-

regro universities for those who are to be the leaders of the race and who are to figure prominently in a professional way their ministers, their physicians, their law-yers and their teachers—because we have got to treat the race as distinct from the whites. I believe that nothing can do so much toward establishing a real nucleus for leadership among them as the maintenance of such a university as Fisk.

It has the largest number of negro college students of any school of the standard which it sets and if any university of the kind is to be encouraged it is Fisk University. This is proved not only by an examination of its college statistics but by the testimony of the heat white men in the community where it exercises its like in the community where it exercises the states of William C. Whitney and William L. Elkins.

Ex-Freshdent Roosevelt Wrete:

I most earnestly comment your work by You do not need to be told how emphatically I favor industrial education for the colored man no less than for the white, but I confully agree with Booker Washington in his support of Fisk, because it is eminently undesirable that the negro should have only a chance to get technical education in industry and agriculture. With the negro, as with the white, while such training is that of which there is fundamentally the greatest need for the greatest number, it is yet imperative for the take of the race that there shall be opportunity of furnishing a different type of training for a certain proportion of the race. certain proportion of the race.

Tobacco Stock Sells Above 500 Before News Is Out.

REST OF MARKET DULL

To-day's Holiday in Open Air Reasons for Inactivity.

Every one had expected that the decision

in the Standard Oil case would be adverse being based upon the fact that the Circuit ment, Court in its decision in November, 1918.

Democrats on a policy which was moral which the Supreme Court now indicates as

smaller measure, to curtail activity in

subsidiary companies, which would be listed on the New York Stock Exchange and would find a readier market there if their bringing out price should be based upon a beginning of the United States Steel Company have decided to make adjustments to become effective. June 1. 1911, and it is believed these will be generally followed. The commodities subjected to undue influence.

election of directors or at any meeting of stockholders, except as expressly provided by statute.

The 6 per cent bonds, of which \$53,341,200 are outstanding, were issued in exchange ferred stock and Continental Tobacco Company preferred. The \$47,705,200 4 per cent bonds were, with the 6 per cent stock, ex-

1091, having advanced 1% points, and the present price is closed unchanged at 85%. Neither of of \$28 a ton since 1901. Structural steel these securities is a mortgage issue, and and shapes in large sizes are not made by the fact of the wide divergence in price the Republic company and the cut does between them makes it open to question that the plan of reorganization following the dissolution directed by the highest Bureau of Corporations, in a report to it ought to have. the President in Pebruary, 1909, said that 60 per cent of the common stock outstand-company said last week that his coming, the amount being \$40,242,400, which through its voting privilege, controls the one on building a new plant in Youngsten interests, most of whom were directors town, and that it did not purpose to have

dent; Thomas F. Ryan, Anthony N. Brady, He company was not concerned with P. A. B. Widener, Cliver H. Payne, who is what the Steel Corporation might do, but also one of the heaviest stockholders in the that it was for the Steel Corporation to Standard Oil Company; Grant B. Schley.
B. N. Duke, the firm of Moore & Schley.
Fifty of the leading and the leading of the lea white tates of William C. Whitney and William urers of the country were present at the

In a list published a few months later, the holdings of these interests were given as follows. James B. Duke. 25,000 shares (par \$100); Thomas F. yan. 50,000; A. N. Brady, 33,334; O. H. Payne, 55,334; P. A. B. Widener, 25,000; G. B. Schley, 12,200; Moore & Schley, 31,452; estate of William C. Whitney, 29,834, and W. L. Eikins estate, 13,233 shares.

At the same date there were ten other stockholders owning from 4,000 to 7,000 shares each, seven with holdings of more.

shares each, seven with holdings of more than 2,000 and less than 3,000, and twentya five owning each from 1,000 to 2,000 shares. not present

referred to the Trust Company of America with the intention of deliberately or maliciously causing a run upon that institution.

Mr. Thorne, he said, might not have accepted his interpretation of Mr. Per-Suspense and Desire to Spend kins's remarks. Mr. Stone said he had Former Clerk Michael, Now not read Mr. Thorne's statement as to Mr. Perkins's actions. He said, however, that he considered Mr. Perkins's original statement about the Trust Company of America unwise, although he did not attribute to Mr. Perkins any malicious intentions.

Mr. Thorne was asked if he had ever ican Tobacco Company, their impression talked with Mr. Perkins about the state-

Perkins and I are on friendly terms, and

by various trust companies which came my aid with \$10,000,000, and he indirectly | Root, then Secretary of State." When they did so, I was asked if ! could pay back the

ing the value of the Tennessee Coal and asked Chairman Hamlin

little more than \$2,000,000, equal to 1907 close to \$15,000,000

finance committee of the Steel Corporawould meet this week on Wedneson the day of the Standard Oil decision, day instead of Thursday, and that he was shown a voucher purporting to show and a week later, on May 23, had risen 70 would leave here for Washington on

"I am prepared to give the facts and say about what he would tell the com-

Steel billets, four inches square and ceive bequests of \$1,000 each. larger, \$21 per gross ton.

Sheet bars, \$22 per gross ton.

All prices, f. o. b. cars, Pittsburg, ef-

fective June 1, 1911, for shipment prior to October 1, 1911.

There was no cut in either wire or wire for old American Tobacco Company pre- groducts or steel rails. The bulk of the the manufacturers have contended right and Continental Tobacco common stock tions as to quality the cost of producing which, they say, is equivalent to a re-The 6 per cent bonds closed yesterday at duction in the price. Rails have renot affect them.

When John A. Topping, chairman of court will involve their retirement, as each the board of directors of the Republic of the issues is entitled to receive par in company, was told last night of the dethe event of dissolution, like the preferred eiston of the conference to make a genstock, which is ruling close to that figure. | eral cut in the prices of all the products If the bonds and the preferred stock are of the Republic company, he declined to to be retired at par, the common stock will say whether his company would meet be placed in possession of the rest of the great assets of the company, a possession the action of its competitors. He had great assets of the company at possession the action of its company did not which would justify the high price at previously said that his company did not which it is quoted. The ownership of the think that it was getting a fair share of common stock is chiefly lodged in a few the business, and that the cut was made hands. Herbert Knox Smith, head of the to get business that the Republic thought

this amount of capital lie idle and not These were James B. Duke, the presi- draw interest. He said that the Repub-

Fifty of the leading steel manufactconference yesterday. Among those in ottendance were

George W. Perkins was present at the conference for a short time, but did not attend the luncheon, H. C. Frick was

State Department Paid \$2,450; Artist Got \$850.

VOUCHERS CAN'T BE FOUND

Consul at Calcutta, Asked for an Explanation.

[From The Tribune Bureau.]

Washington, May 29.-Following rather

\$850 from Chief Clerk Michael, and the \$2.50 voucher for the Day painting. The voucher was shown him by Chief and had never been returned to his files

vouchers. "I recall that the Mr. Morgan came to The youcher was countersigned by Elihu

Day, later appointed associate Justice of the Supreme Court. He saw the \$2,450 State Department about five years ago to

"I went to Justice Day and told him

Mr. Morrison said that the Secretary office had asked him to look for the Roser been unable to find them. House Committee on Expenditures in the added in a more quiet tone: "Lut in

"I cashed it as soon as I got it." he State Department on the other matter and that I had received \$2,450 for the paint

1904 at 250, and for a long time held at all the truth," was all that he would the books of the department showed an entry of \$2,450, with a notation that of this The meeting of the manufacturers was the remainder was disbursed by Chief Cler held at the Metropolitan Club and was Michael "under the direction of the Sepreceded by a luncheon given by Judge retary of State." Mr. Michael has been end in that year being 25 per cent. In Gary. The discussion began immediasked by Secretary Knox to explain the

CONTESTS WILL OF BROTHER

Michael Lilly Wasn't Mentioned by

Patrick, Whose Estate Is Large. Michael Lilly, of No. 161 East 91st street ogate's Court against the probating of the ould be will of his brother. Patrick Lilly, of \$6. require 410 East 57th street. The testator was ninety-three years old when he died on steers last night from Hester's pasture April 25. His will was dated the day be- to Porum and were preparing to ship fore his death, and according to the con-testing brother, who was not mentioned in subjected to undue influence.

Lilly is not known, but is said to be large. His sister, Miss Louisa Donnelly; her son, caded and held until they escaped. Black sheets (20 cents per 10) pounds off)
cents per pound for No. 28 gauge.

Galvanized sheets three cents a pound.

The latter receives, in addition to his share.

After Starr had retreated to his home. of the testator, are the residuary legatees.
The latter receives, in addition to his share,
Lilly's house, with all of its furnishings,
valued at \$11,000, and his two daughters receive bequests of \$1,000 each. There is
they saddled horses, on which they set 28 gauge.

ue annealed sheets (10 cents per 100 Lilly's house, with all of its furnishings, nds off) \$1.50 a pound for No. 10 valued at \$11,000, and his two daughters re-

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WISE CHARGES BRIBERY

can pull up stakes easily enough.

The possibility of flight on the part of the defendants was ridiculed by Mr Stanchfield. At this Mr. Wise reddened and, walking toward the judge, ex "I know, your honor, that money was

offered to me to pull me off. I know that any amount of money up to five figures was offered to a juror in this case if he would hang the jury." The angry voice of the prosecutor

reached every part of the room, and his next words fell upon an intense silence "I know there was a certain lawye interested in having money put in my hands to withdraw me from the prosecu

The ten lawyers employed by the deimpulse and advanced toward Mr. Wie He stood, feet apart, fists clenched, with face flushed and eyes blazing. Even Judge Martin leaned forward in his seat, and the crowd in the courtroom rose in expectation. But the calm "Order, gen tlemen!" called out by Mr. Leary, th clerk, broke the spell. Mr. Stanchfield quietly demanded that Mr. Wise name

"I will name him at the right time and place," shouted Mr. Wise, and then that the lawyer did not take active part in this case.

The conviction of the five men is co achieved by the government in a case of this kind. It is regarded as a signal success of the crusade instituted by federal authorities against the many getrich-quick concerns that have been ; ing upon country investors through the

Samuel S. Bogart, vice-president of the United Wireless, pleaded guilty dur-ing the trial, and his sentence will be announced later.

OKLAHOMA FEUD FIGHT One Killed, Five Wounded in a Battle Over Cattle.

IBy Telegraph to The Tribune. Muskogee, Okla., May 29.-The Davis feud, begun thirty years ago at Porum, thirty miles southeast of here, was renewed this morning. One man was killed and five others were wounded, one fatally, in a pitched fight between vigilantes, mounted, masked and wearing "Mother Hubbards," and "Pony" Starr and his followers.

"Pony" Starr and Clifford Hester both claimed the same herd of cattle. Hester declared that cattle on Starr's ranch were his and drove the herd home. Starr, "Joe" Davis and others drove the fire. The Starr gang retreated in the running fight Constable George Maxwell was shot from his horse and killed. Clifwas shot from his horse and killed. Clif-ford Hester was also fatally shot from his horse. The Starr gang fled into the Starr dwelling house, which had into the Starr dwelling house, which they

ceive bequests of \$1.000 each. There is also a bequest of \$1.000 for the Church of St. John the Evangelist. they saddled horses, on which they example to cover their retreat. saddled horses, on which

Inside the Train And Out

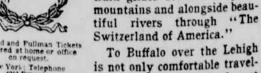
Perfect equipment and faultless service still leave unconsidered one element of an enjoyable railroad journey-the element of environment.

The traveler lives both inside the train and out. Scenery of the back yard character must detract from the pleasure of his traveling.

The Lehigh Valley stands unique among Eastern roads in the character of its rightof-way. One welcomely misses the

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tiful rivers through "The Switzerland of America." To Buffalo over the Lehigh is not only comfortable traveling, but a mental refreshment and physical tonic.

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